

2025 SENATE WORKFORCE DEVELOPMENT

SB 2041

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2041
1/9/2025

Eligibility requirements for the endorsement to prescribe independently of naturopathic doctors.

10:15 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Competency of Naturopaths
- Training
- Prescriptions
- Reentry to practice
- Referrals to specialists
- Ordering of medical tests
- Billing for prescription medications

10:15 a.m. Sandra DePountis, Executive Director, North Dakota Board of Medicine testified in favor and submitted testimony #28099.

10:25 a.m. Dr. Leslie Link, Naturopathic Doctor, testified in favor.

10:46 a.m. Courtney Koebele, Executive Director of ND Medical Association, testified in neutral.

10:47 a.m. Erik Heitkamp, Hospitalist, testified in opposition and submitted testimony #28183.

Additional written testimony:

Madelyn Schweitzer, Massage Therapy Student, submitted testimony in opposition #28282.

Doug Sharbono, Citizen, submitted testimony in opposition #28304.

11:08 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

**BOARD OF
MEDICINE**

Established 1890

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www.ndbom.org**SENATE WORKFORCE DEVELOPMENT COMMITTEE
JANUARY 9, 2025****TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2041**

Chair Wobbema, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to present Senate Bill 2041 relating to pathways for naturopathic doctors to prescribe independently.

In 2023, the legislature, through SB 2221, moved naturopathic doctors under the Board of Medicine's jurisdiction, and granted them prescriptive authority through a two-step endorsement process to prescribe legend drugs and testosterone pursuant to a formulary adopted by the Board in North Dakota Administrative Code – rule 50-06-02-08. Under SB 2221, a naturopath must first obtain a Limited Endorsement to prescribe. To obtain this initial endorsement, the naturopath must be supervised by a qualified North Dakota licensed physician for the naturopath's first one hundred prescriptions or first year of prescribing practices, whichever occurs first. The physician must review the prescribing practices and attest that the naturopath has shown safe and correct prescribing practices. After successful completion of this supervision, a naturopath is then required to pass the Naturopath Physicians Licensing Examination (NPLEX) - pharmacology examination, in order to satisfy the second step and be authorized to prescribe independently. This is a 75-question exam put on twice a year, with the nearest exam location in Chicago.

Mission Statement

The Board's mission is to protect the public's health, safety and welfare by regulating the practice of medicine, thereby ensuring quality health care for the citizens of this state.

Since implementation, questions were raised on whether there could be a different barometer to measure competency other than the NPLEX pharmacology examination. Two such alternative pathways were identified and are being proposed with this bill.

The first additional pathway is if the naturopath completes twelve months training from an accredited naturopathic residency program. The Council on Naturopathic Medical Education, through its Committee on Postdoctoral Naturopathic Medical Education, accredits naturopathic residency programs. The Council is recognized by the United States Department of Education as the appropriate accrediting body. If this pathway is chosen, the Board will obtain proof of completion directly from the residency program.

The second additional pathway is if the naturopath has obtained three or more years prescribing experience in another state with no disciplinary action. The naturopath must show that they have “substantial experience” prescribing the same drugs adopted into the North Dakota formulary. The Board would adopt a policy on how it will obtain satisfactory proof of verification of the substantial experience, including verification from a physician, if the naturopath has worked with one, who can attest to the naturopath’s skill level and safe prescribing practices. In addition, verification requests will be solicited directly from the facility in which the naturopath has practiced, in order to verify dates of employment, and whether any derogatory information is on file (i.e., any disciplinary action, restrictions on practice from a peer review or other concerns, performance improvement plans, etc.). This employment verification is sent to the appropriate department or individual in the facility. The Board will require other information to aid in its determination of “substantial experience” including information on the extent of prescriptive practice, specialty area the naturopath practices in, and the drugs being prescribed. Experience just providing vitamins, supplements, etc. will not suffice – the experience must include the prescribing of drugs similar to what is allowed under North Dakota law.

The final bill incorporates the two additional pathways to obtain an Endorsement to Prescribe Independently. It should be noted that the bill does not change the initial requirement of the Limited Endorsement to prescribe which requires working with a North Dakota licensed physician. The additional pathways are just the next step to verify competency of the naturopath before they are able to prescribe independently and are arguably more rigorous than the examination.

The Board followed its usual process when drafting the bill, reviewing it at three public meetings, and notifying all licensees of potential change to law via postings on the Board's website and e-mailed News Blasts to licensees. After the Board approved the language of the bill and it was filed with legislative council, a licensed physician contacted the Board to express concerns regarding the third pathway – accepting substantial experience in lieu of taking the exam. A few board members and staff met with the physician to address the concerns and sent out an additional News Blast to all licensees, clarifying the proposed changes to the law. After consideration, the Board believes that the language currently in the bill strikes an appropriate balance between providing guidance with enough flexibility to allow the Board to thoroughly vet the prescriptive practices to make an informed decision on whether the naturopath has “substantial experience” in prescribing practices in another jurisdiction. However, after hearing this testimony and upon review of the bill, if this Committee does not believe the language is sufficient to accomplish this intent, the Board would be happy to work on alternative language – which could be something as simple as changing the sentence to read “substantial experience in prescribing prescription medications for three years without discipline in another jurisdiction as determined by the board.”

Thank you for your time and attention and I would be happy to answer any questions.

Workforce Development Committee**Senate Bill No. 2041****Thursday, January 9, 2025**

Chair Wobbema and committee members,

My name is Erik Heitkamp, MD. I am a board-certified internal medicine physician and have been practicing medicine as a hospitalist in Fargo for the past five years. I was raised in North Dakota and received my education, including medical training and residency, in our great state. I received my undergraduate degree at NDSU and received an MD at the UND School of Medicine. I also assist in training the next generation of medical physicians.

I stand in opposition of the current draft of Senate Bill 2041.

It is my understanding that to date we have 28 naturopathic providers in North Dakota and only three who have prescriptive authority. It concerns me that we would look to expand the pathways to prescriptive authority for naturopathic doctors (ND) *without having allowed time for the existing process to further unfold and determine if the current standards work for safe health practices for North Dakotans.*

The current law states that a Naturopathic Doctor (ND) can obtain prescriptive authority by completing 100 scripts or 12 months (whichever occurs first) with physician oversight.

It is concerning to me that NDs are only required to prescribe 100 scripts IN TOTAL, rather than requiring 100 scripts in EACH OF THE FORMULARY LIST'S MEDICATION CLASSES, which is the approved safe prescribing practice standard outlined for physicians.

This means an ND only needs to prescribe ANY medication for the first 100 scripts to get approved as a safe prescriber.

This is concerning since a prescriber needs to demonstrate competency in the use and indication of medical therapy and be able to show how to manage the medication longer term, adjusting the dose and weaning off safely if needed. I do not know how a physician can sign off on someone else prescribing a medication safely if they haven't seen the person prescribe and manage said medication. I certainly would not do so with the medical students and residents I train. This provision seems insufficient.

This is why medical doctors complete 3-5 years of residency—to have oversight and proper training in safe prescribing practices for all medications, not just a few (ie. CCC, PD, ACGME, UND, ABIM).

Another concern pertains to the language on page 2, lines 13-14, subsection C., stating, “Substantial experience in prescribing prescription medications for three years without discipline in another jurisdiction as verified by a physician or facility.”

This qualifying line item seems overly vague and holds the potential for many applicants to apply for prescription authority in North Dakota from other states. While I understand that the Board of Medicine has the final say for licensing an ND, this statement seems to be a dangerous leap forward in broadening the applicant pool with little guard rails in place.

For example, as a medical doctor, if I were to leave the practice of medicine (say I'd been practicing for 20 years) for just 2 or more years, I would then need to re-apply for a license to restart practicing again. It would require me to provide a re-entry to practice application, sit before the Board of Medicine, and prove my level of prescriptive competency. This may require me to complete additional training, mentoring with another physician, or a CPEP program (an in-person assessment program requiring travel or cost to the applicant).

In the bill's above-outlined subsection C, there is no time limit between the "substantial experience" in prescribing for only 3 years with NDs and meeting that line item to apply for prescribing; thus, in theory a ND could have been out of practice for 10 plus years, move to North Dakota, get a limited license, have physician oversight for 100 scripts (any medication), apply for prescriptive authority (even if the practice of medicine has changed during that time) and begin working.

This bill offers a more simplistic pathway to Westernized medication prescriptive authority than any pathway offered to classically trained physicians (MD/DO) who completed a minimum of 3 additional years of training to prescribe the same medications.

This is unsafe and dismissive of the current requirements needed by MD/DOs to prescribe. I feel strongly that there are limited guardrails in place with this bill that may not have been seen or considered at that time of construction.

Naturopathic Doctors are trained to assist the body in healing "naturally" with supportive therapy such as clinical nutrition, botanical medicines, constitutional hydrotherapy, homeopathy, and acupuncture. The goal of NDs would be to limit or eliminate the need for Westernized medications. Thus, the need for NDs to have less vetted pathways to prescriptive authority appears unsafe. I fear this bill threatens the delivery of safe medical care for patients.

Suggested amendments:

Page 1, line 12, add "of each drug class" following prescriptions, this would ensure that the Naturopathic doctor demonstrated appropriate knowledge and prescriptive skill in each of the drug classes they wish to prescribe.

Page 1, line 17, add "of each drug class" following drugs, again, this would ensure that the ND demonstrates appropriate knowledge and prescriptive skill in each of the drug classes they wish to prescribe in accordance with federal and state laws

Page 2, line 12, remove the word "or"

Page 2, lines 13-14, remove subsection c.

These amendments will strengthen the safety of granting prescriptive authority.

Thank you,

Erik Heitkamp, MD

Internal Medicine/Hospitalist

January 9, 2025

Madelyn Schweitzer

To the committee,

I am writing against reenacting the section of this bill, relating to eligibility requirements for endorsement to prescribe independently of naturopathic doctors. As a massage therapy student who plans to be licensed soon, I take passion in this issue. This move is offensive to those who provide alternative forms of medicine. Let medical doctors stay in their own lane and get out of naturopathic doctors' lanes. Naturopathic doctors are completely different from medical doctors based on their philosophy and mode of medicine. I ask that the committee vote against this bill. Thank you for your leadership and the opportunity to speak.

**Do Not Pass Testimony
of Doug Sharbono, citizen of North Dakota
on SB2041
in the Sixty-ninth Legislative Assembly of North Dakota**

Dear Chairman Wobbema and members of the Senate Workforce Development Committee,

I am writing as a citizen and believe SB2041 is compromising legislation. This legislation expands the influence and regulatory power of the State Board of Medical Examiners over naturopathy. The current philosophies of modern professional medicine and naturopathy are not compatible with one another, nor will the influence of the Board of Medicine over naturopathy make citizens more well. The Board of Medicine is undeserving of this role. I was shocked to see that this role was expanded in 2023 with Senate Bill 2221. The claims of the dangers of naturopathy appear unfounded. It would be great if professional medicine, with the proper amount of legislative oversight, would focus on the things they arguably do well, that is administering prescriptions of antibiotics and other formulations made within their industry. Regulating naturopathy from the medical board is in essence a conflict of interest and does not serve the North Dakota citizen well.

Despite personally having some trusted medical doctors, I have observed a great slipping in the medical industry in the last several years. This is the source of my distrust and bias. A simple example I have experienced is the process of gaining a simple sports physical. With the adverse damaging effects of the COVID shot, the medical industry has rightfully been closely monitoring fainting spell histories of youth. My daughter fainted on a 110F degree hike in Utah. This is not terribly surprising. This history caused her to be referred to a cardiologist for her sports physical, and three months later after numerous appointments, was finally cleared for sports. She missed her sport and this resulted in her giving up on that sport and hasn't been in any since. This process did not make her healthier. It only kept her out of sports. This is just one example of the medical issues my family has been struggling with due to the Board of Medical Examiners losing focus on real health and instead going down rabbit trails of poor public policy that make for expensive medicine and poorer health. They should have no role in naturopathy. If this bill goes anywhere, it should be used as a vehicle to reverse the previous legislation 2023 SB2221 that flew under the radar. This possible amendment would delete out the Board of Medicine's role in regulating naturopathy. Please give SB2041 a Do Not Pass.

Thank you,
Doug Sharbono
1708 9th St S
Fargo, ND 58103

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2041
1/16/2025

Relating to eligibility requirements for endorsement to prescribe independently of naturopathic doctors.

10:53 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Test requirements
- Prescription volume
- Bill's vague language
- Cost of licensure

11:03 a.m. Senator Axtman moved a Do Not Pass.

11:03 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

11:04 a.m. Motion passed 5-0-0.

11:04 a.m. Senator Boschee will carry the bill.

11:04 a.m. Chairman Wobbema closed the meeting.

Andrew Ficek, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2041 ([25.8002.01000](#))

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.